

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE CELEXA AND LEXAPRO)
PRODUCTS LIABILITY LITIGATION)

MDL DOCKET NO. 1736
ALL CASES


MEMORANDUM AND ORDER OF DISMISSAL

This matter is before the Court on defendant's notice of plaintiff Terry Antalek's failure to comply with the Court's Order [#457] in the case styled Terry Antalek v. Forest Labs, Pharmaceutical, 4:09CV1519 RWS. Because defendant notified the Court that Antalek failed to comply with this Court's December 12, 2006 case management Order by refusing to provide a completed fact sheet and executed authorizations to defendant, I issued an Order to Show Cause why Antalek's complaint should not be dismissed with prejudice for his failure to comply with the Court's December 12, 2006 case management Order, participate in discovery, and prosecute his case. Antalek was granted until June 21, 2010 to comply with the Order to Show Cause and was specifically warned that his failure to timely comply would result in the dismissal of his case with prejudice without further notice by the Court. Plaintiff has failed and refused to respond to the Order to Show Cause, and his time for doing so has expired. During today's status conference, defense counsel also confirmed that plaintiff has still failed and refused to participate in discovery by providing a completed fact sheet and executed authorization to defendant.

Accordingly,

IT IS HEREBY ORDERED that plaintiff Terry Antalek's complaint is dismissed with prejudice for his failure to comply with the Court's December 12, 2006 case management Order, participate in discovery, and prosecute his case.

A separate Order of Dismissal is entered this same date.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 29th day of June, 2010.